

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LILLIAN WONG,

Plaintiff,

v.

MARRIOTT HOTEL SERVICES, INC.,

Defendant.

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NICHOLAS G. GARAUFIS, U.S. District Judge.

MEMORANDUM AND ORDER
05-CV-4524 (NGG)(RER)

Plaintiff Lillian Wong (“Wong”) brought this diversity negligence action against Marriott Hotel Services, Inc. (“Marriott”) for injuries sustained when she fell in her hotel bathroom at the Kauai Marriott Hotel during a scheduled power outage. Marriott moved for summary judgment on August 27, 2007. (Docket Entry # 24.) On October 16, 2007, the court referred Marriott’s motion to Magistrate Judge Ramon E. Reyes, Jr., for a Report & Recommendation (“R&R”). (Docket Entry # 30.)

On December 18, 2007, Judge Reyes issued an R&R recommending that Marriott’s motion for summary judgment be denied. (Docket Entry # 32.) Judge Reyes noted that the basic facts surrounding Wong’s fall and the steps Marriott took to warn its guests of the scheduled power outage are not in dispute. He reasoned, however, that the case “turns on whether or not Marriott took *reasonable* steps to either eliminate the risk of harm to Wong or to adequately warn her of the hazards presented by the power outage. Reasonableness of a landowner’s actions and the adequacy of warnings are quintessentially questions of fact for a jury to decide.” (R&R at 8 (emphasis in original).) In the conclusion to the R&R, Judge Reyes noted that objections

were due within ten business days of receiving the R&R. (Id. at 9.) In addition, the docket entry on the Electronic Court Filing system notified the parties that they had until January 2, 2008 to file objections. (Docket Entry # 32.) Marriott has filed no objections to the R & R.

In reviewing an R&R, this court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). In order to accept a Magistrate Judge’s R&R where, as here, no timely objection has been made, the “court need only satisfy itself that there is no clear error on the face of the record.” Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)); see also Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991) (court may accept the report if it is “not facially erroneous”).

This court has reviewed the R&R and is satisfied that there is no clear error on the face of the record. The court finds Judge Reyes’s opinion to be thorough, well reasoned, and well founded in applicable law. Therefore, this court adopts Judge Reyes’s R&R.

Accordingly, Marriott’s motion for summary judgment is DENIED.

SO ORDERED.

Dated: January 25, 2008
Brooklyn, N.Y.

s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge